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4 JEFFREY E. WALKER,
5 Plaintiff,
6 v.
7 KROL, et al.,
8 Defendants.

9 Case No. 15-cv-05819-HSG
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13 **ORDER REQUIRING DEFENDANTS
TO RESPOND TO PLAINTIFF'S
RENEWED REQUEST TO REOPEN
THIS ACTION**

14 Re: Dkt. No. 49
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17 Now pending before the Court is Plaintiff's renewed motion to vacate the judgment and to
18 reopen this action. Dkt. No. 49. For the reasons set forth below, the Court ORDERS Defendants
19 to file a response to Plaintiff's motion within twenty-eight (28) days of the date of this order.

20 On January 28, 2022, Plaintiff filed a motion to vacate or set aside the judgment pursuant
21 to Fed. R. Civ. P. 60(b)(6) and reopen this action. Dkt. No. 38. On July 29, 2022, the Court
22 denied the motion to vacate, finding that Plaintiff had not demonstrated the requisite
23 "extraordinary circumstances" or "manifest injustice" required to set aside a judgment under Fed.
24 R. Civ. P. 60(b)(6) because *inter alia* Plaintiff failed to explain how his medication prevented him
25 from prosecuting this action and did not address how he was able to pursue multiple actions in
26 state court despite being forcibly medicated or how why he did not pursue this action upon no
27 longer being medicated. *See generally* Dkt. No. 48.

28 Plaintiff has since filed a pleading which the Court construes as a renewed motion to
vacate or set aside the judgment pursuant to Fed. R. Civ. P. 60(b)(6) and reopen this action. Dkt.
No. 49. In this pleading, he provides further details about how his medication prevented him from
prosecuting this action and why he did not seek to reopen this action until January 2022. Plaintiff
alleges that he was involuntarily medicated through 2020 and that the medication rendered him

1 incapable of pursuing any litigation. He further alleges that once the medication was discontinued,
2 he had limited time to pursue litigation because of COVID-related limitations on access to the law
3 library and mandatory attendance at daily hospital groups, so he prioritized other time-sensitive
4 litigation. *See generally* Dkt. No. 49. Because Plaintiff has addressed the deficiencies identified
5 in the Court's July 29, 2022 order denying the motion to vacate and reopen, the Court ORDERS
6 Defendants to file a response to Plaintiff's renewed motion to vacate and reopen within twenty-
7 eight (28) days of the date of this order.

8 **IT IS SO ORDERED.**

9 Dated: 10/26/2022

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11 HAYWOOD S. GILLIAM, JR.
United States District Judge

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United States District Court
Northern District of California